



Attorney's Docket No.: 070452.P001C

## Patent

In Re the Application of: Forusz et al.

(inventor(s))

Application No.: 10/057,156

Filed: October 25, 2001

**For: Composition for Increasing Bone Density**

**(title)**

Group Art Unit: 1616

Examiner: Choi, Frank I.

## NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

**Sir:**

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision dated December 31, 2002 of the Examiner rejecting claims 1-11,14-23.

The item(s) checked below are appropriate:

**XXX** The following is the Notice of Appeal fee under 37 C.F.R § 1.17(b):

\_\_\_\_\_ a. other than small entity: fee \$ 320.00

<u>  X  </u>	b. small entity:	fee \$ 160.00
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verified statement attached

verified statement was filed \_\_\_\_\_

\_\_\_\_\_ A petition under 37 C.F.R. § 1.136(a) for an extension of time for reply to the rejection is enclosed along with a check for the fee for the extension of time.

  X   Enclosed is a check in the amount of \$ 160.00 for the Notice of Appeal fee.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

on March 26, 2003

Date of Deposit

Leah Schwenke

Name of Person Mailing Correspondence

March 26, 2003

**Signature**

Date \_\_\_\_\_

04/01/2003 CNGUYEN 00000111 10057156

03 FC:2401

**160.00 DP**

Attorney Docket no. 070452.P001C  
Application No. 09/057,156

- 1 -

(TNF/pab 10/01/01))

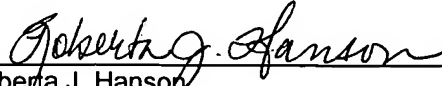
BEST AVAILABLE COPY

\_\_\_\_\_ Please charge the Notice of Appeal fee to Deposit Account Number 02-2666. A duplicate of this sheet is enclosed for Deposit Account charging purposes.

XXX If any additional fee is required, please charge Deposit Account No. 02-2666.  
A duplicate of this sheet is enclosed for Deposit Account charging purposes.

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: March 26, 2003

  
\_\_\_\_\_  
Roberta J. Hanson  
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Seventh Floor  
Los Angeles, California 90025  
(303) 740-1980



AF 1600

# FEE TRANSMITTAL FOR FY 2003

TOTAL AMOUNT OF PAYMENT (\$) \$270.00

Complete if Known:

Application N. 10/057,156

Filing Date October 25, 2001

First Named Inventor Forusz et al.

Group Art Unit 1616

Examiner Name Choi, Frank I.

Attorney Docket No. 070452.P001C

TECH CENTER 1600/2900

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## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666

Deposit Account Name BSTZ

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed: ☒ Check  
☐ Money Order  
☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
1001	750	2001	375	Utility application filing fee	
1002	330	2002	165	Design application filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional application filing fee	
SUBTOTAL (1)					\$ 0.00

### 2. EXTRA CLAIM FEES

		Extra Claims	Fee from below	Fee Paid
Total Claims		- 20** =	X	=
Independent Claims		- 3** =	X	=
Multiple Dependent				=

\*\*Or number previously paid, if greater; For Reissues, see below.

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	**Reissue independent claims over original patent	
1205	18	2205	9	**R issu claims in xc ss f 20 and ver riginal patent	
SUBTOTAL (2)					\$ 0.00

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

<u>Larg Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>F e Paid</u>
<u>Code</u>	<u>Fee (\$)</u>	<u>Code</u>	<u>Fee (\$)</u>		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	160.00
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	110	2814	55	Statutory Disclaimer	
1810	750	2810	375	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,300	1454	1,300	Acceptance of unintentionally delayed claim for priority	
Other fee (specify) <u>Terminal Disclaimer under 37 C.F.R. § 1.321(c)</u>					110.00
Other fee (specify) _____					
<b>SUBTOTAL (3)</b>					<b>\$ 270.00</b>

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**

Typed or Printed Name: Roberta J. Hanson

Signature: *Roberta J. Hanson* Date: March 26, 2003

Reg. Number: 51,774 Telephone Number: 303-740-1980